IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 3470 of 2005

Date of Decision: 1.12.2006

Punjab Housing Development Board ...Petitioner

Vs.

M/s Lakshmi Cement, & Anr. ...Respondents

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.Sanjeev Sharma, Advocate,
for the petitioner.

Mr.Tavinder Singla, Advocate,
for respondent No.1.

Vinod K.Sharma, J. (Oral)

By way of present revision petition the petitioner has challenged the order passed by the learned Trial Court as affirmed by the learned lower Appellate Court making the award rule of the Court.

It is not in dispute that the Arbitrator passed a non-speaking award wherein the claim petition qua the excise duty and railway receipts has been accepted and a award for a sum of Rs.1,54,108.37P has been passed in favour of the respondent.

Learned counsel for the petitioner vehemently contended that the learned courts below have erred in law in making the award rule of the Court which was contrary to the terms of the contract. The contention of

the learned counsel for the petitioner, therefore, is that the award having been passed against the specific terms of the contract amounted to misconduct on the part of the Arbitrator.;

I find no force in the contention of the learned counsel for the petitioner. The arbitrator has admittedly passed a non-speaking award and therefore, it is not open to the Court to probe into the mind of the Arbitrator and come to a different conclusion. Even otherwise, there is nothing in the award which could support the contention of the learned counsel for the petitioner that the same is against the terms and conditions of the agreement between the parties.

Therefore, there is no merit in the revision petition, which is accordingly, dismissed.

(Vinod K.Sharma)
Judge

1.12.2006
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